

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x

ROSA M. NAREA,

Plaintiff,

- against -

TARGET CORPORATION,

Defendants-Petitioner.

-----x

Civil Action No.:  
07-CV-7184 (LMM)

NOTICE OF REMOVAL

Bronx County  
Index No.: 17008/07

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK:

Defendant-petitioner, TARGET CORPORATION ("Petitioner"), by its attorneys, SIMMONS, JANNACE & STAGG, L.L.P., Sal F. DeLuca, Esq., of counsel, upon information and belief, respectfully petitions the Court, pursuant to 28 U.S.C. § 1441, as follows:

1. On July 3, 2007, the above-captioned civil action was commenced and is now pending in the Supreme Court of the State of New York, County of Bronx, and trial has not yet been had therein. A copy of the Summons and Complaint is annexed as **Exhibit "A"**. Petitioner has not yet served an Answer to plaintiff's Complaint.

2. The action seeks monetary damages for injuries allegedly suffered by plaintiff, ROSA M. NAREA, while she was in

petitioner's store. The plaintiffs' Complaint sounds in negligence.

3. The action involves a controversy between citizens of different states, in that: (a) plaintiffs are citizens of the State of New York; and (b) petitioner is now, and was at the time the action was commenced, a corporation incorporated in the State of Minnesota with its principal place of business in the State of Minnesota.

4. This action is one of which the District Courts of the United States have original jurisdiction under 28 U.S.C. § 1332. There is complete diversity between petitioner and plaintiff. In addition, the amount in controversy exceeds \$75,000.

5. This Notice of Removal is being filed within thirty (30) days after receipt by petitioner of plaintiff's Complaint.

6. Written notice of the filing of this Notice of Removal will be given to plaintiff promptly after the filing of this Notice.

7. A true and correct copy of this Notice of Removal will be filed with the Clerk of the Court of the Supreme Court of the State of New York, County of Bronx promptly after the filing of this Notice.

8. Attached to this Notice, and by reference made a part hereof, are true and correct copies of all process and pleadings filed herein.

9. By filing this Notice of Removal, petitioner does not waive any defense which may be available to it, specifically including, but not limited to, its right to contest in personam jurisdiction over petitioner, improper service of process and the absence of venue in this Court or the Court from which this action has been removed.

**WHEREFORE**, petitioner prays that the above-captioned action now pending in the Supreme Court in the State of New York, County of Bronx, be removed therefrom to this Court.

Dated: Syosset, New York  
August 10, 2007

Yours etc.,

SIMMONS, JANNACE & STAGG, L.L.P.

By s/Sal F. DeLuca  
SAL F. DeLUCA (sd-2354)

Attorneys for Defendant  
TARGET CORPORATION  
**Office & P.O. Address:**  
75 Jackson Avenue, Suite 100  
Syosset, New York 11791-3139  
(516) 357-8100

TO:

MALLILO & GROSSMAN, ESQS.  
Attorneys for Plaintiff

ROSA M. NAREA

**Office & P.O. Address:**

163-09 Northern Blvd.  
Flushing, New York 11358  
(718) 461-6633

Notice-Removal

**CERTIFICATE OF SERVICE**

**RE: ROSA M. NAREA V. TARGET CORPORATION**  
**CIVIL ACTION CV 07-7184 J. McKenna, M. Eaton**

STATE OF NEW YORK     )  
                                      : ss.:  
COUNTY OF NASSAU     )

I, MARILYN C. AVONDET, certify that I am, and at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made. I further certify that the service of this **CIVIL COVER SHEET and NOTICE OF REMOVAL** was made on August 13, 2007 by:

XX Mail service: Regular first class United States mail, postage fully pre-paid, addressed to:

MALLILO & GROSSMAN, ESQS.  
Attorneys for Plaintiff  
ROSA M. NAREA  
**Office & P.O. Address:**  
163-09 Northern Blvd.  
Flushing, New York 11358  
(718) 461-6633

Under penalty of perjury, I declare that the foregoing is true and correct.

\_\_\_\_s/Marilyn C. Avondet\_\_\_\_  
MARILYN C. AVONDET

Sworn to before me this  
13<sup>th</sup> day of August, 2007

\_\_\_\_s/Janet L. Corsie\_\_\_\_No. 01CO6033230  
NOTARY PUBLIC Nassau County Exp. 11/15/09

SIMMONS, JANNACE & STAGG, L.L.P.  
75 Jackson Avenue, Suite 100  
Syosset, New York 11791-3139  
(516) 357-8100